APPENDIX

UNIVERSITY of PENNSYLVANIJADkt. No. 351325-0102

Mark I. Greene, M.D., Ph.D., F.R.C.P.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

SARAGOVI et al.

Title:

COMPOUND TARGETED FOR SPECIFIC CELLS WITH REDUCED

SYSTEMIC TOXICITY

Appl. No.:

10/600,623

Filing Date:

June 20, 2003

Examiner:

Brandon J. Fetterolf

Art Unit:

1642

Confirmation

7195

Number:

Mail Stop Amendment Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

DECLARATION OF EXPERT UNDER 37 C.F.R. § 1.132

Dear Sir:

I, Mark I. Greene, M.D., Ph.D., F.R.C.P., hereby declare that:

1. I hold a M.D., Ph.D. degree from the University of Manitoba. My doctorate research was on Immunology. I have 30 years of experience and active scientific research activity, and

numerous publications in the field of Immunology. A curriculum vitae is attached herewith as Exhibit A.

- I have reviewed and understand the application and the invention disclosed in the aboveidentified patent application ("the '623 application").
- 3. I have reviewed and understand the Office Action mailed September 1, 2006. I am submitting this declaration attest to the knowledge of one of ordinary skill in the art at the time of the earliest effective filing date (December 21, 2000) of the '623 application.
- 4. The fields of monoclonal antibodies, the techniques for their conjugation as well as site-directed immunotherapy were well-developed arts. The general knowledge in the art was that antibodies were structurally well-characterized. The level of skill and knowledge in the art of antibodies at the time of filing was such that production of antibodies against a well-characterized antigen was conventional. Methodology to conjugate small molecules via linkers was known in the art. This is a mature technology where the level of skill is high and advanced. Further, receptor-mediated endocytosis was a known biological mechanism for antibody-receptor complexes.
- 5. Considering the routine art-recognized method of making antibodies to fully characterized antigens, the well-defined structural characteristics of antibodies, the functional characteristics of antibody binding, and the fact that the antibody technology is well-developed and mature, one of skill in the art would have recognized that the spectrum of monoclonal antibodies which bind to p75, TrKA and IGF-1R polypeptide were implicitly disclosed in the specification as filed. The disclosure three individual single species of antibody-based chemotherapeutic agents directed to p75, TrKA and IGF-1R polypeptide on the surface of a tumor cell, including a drug resistant tumor cell provide support for three relevant genus as an ordinary artisans could predict the operability in the invention of any species other than the species disclosed. That is, one of skill in the art would recognize that monoclonal antibody conjugates that recognize the same or other

determinants on p75, TrKA, or IGF-1R polypeptide on the surface of the tumor cells would be internalized to affect cytotoxicity. Determination of the classes of monoclonal antibodiesconjugates which bind to p75, TrKA or IGF-1R polypeptide on the surface of a tumor cell, including a drug resistant tumor cell, could be readily determined with a high probability of success by techniques well know in the art at the time the application was filed.

- 6. Monoclonal antibodies which bind to p75, TrKA and IGF-1R polypeptide can be made with a high rate of success from readily available starting materials without undue experimentation (i.e., mice; p75, TrKA and IGF-1R polypeptide antigens; and myeloma cells).
- 7. I declare further that all statements made in this Declaration of my own knowledge are true, that all statements made on information and belief are believed to be true, and further, that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of any patent that may issue from the present application.

Respectfully submitted,

Mark I. Greene

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Date: //

2/26/2007

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Date of Birth: August 3,1948

Education: 1966-1968 University of Manitoba, Canada

1968-1972 M.D. University of Manitoba, Canada

1973-1976 F.R.C.P. Fellow of the Royal College of Physicians

(Canada), Internal Medicine

1973-1977 Ph.D.University of Manitoba (Immunology)

Internship and Residencies:

1972-1973 Intern, Health Sciences Centre, Winnipeg, Canada

1973-1976 Resident, Health Sciences Centre, Winnipeg, Canada

Postgraduate Training and Fellowship Appointments:

1973-1975 Medical Research Council Fellowship, (MRC)

Canada

1976-1978 Medical Research Council Fellowship, Boston

1976-1977 Research Fellow in Pathology, Harvard Medical School,

Boston, Massachusetts

Faculty Appointments: 1977-1978 Instructor in Pathology, Harvard Medical School

1978-1980 Assistant Professor in Pathology, Harvard Medical School

1980-1985 Associate Professor of Pathology, Harvard Medical School

1982-1985 Associate Professor of Immunology, Department of

Cancer Biology, Harvard University

1984-1986 Professor of Medicine, Head:

Rheumatology/Immunology, Tufts University

1986-present Director, Division of Immunology, Department of

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Pathology

Professor of Pathology, University of Pennsylvania

1987-present Associate Director for Fundamental Research, Cancer

Center, University of Pennsylvania

1989-present John Eckman Professor of Medical Sciences, Department

of Pathology and Laboratory Medicine, University of

Pennsylvania

1993-present Vice Chair of Pathology, Division of Immunology and

Experimental Pathology, University of Pennsylvania

Hospital and Administrative Appointments:

1980-1986

Consultant in Medicine, Dana Farber Cancer Centre, Boston

1986 to present Hospital of the University of Pennsylvania

Licensure: 1973 Canadian License Registration (Manitoba)

1976 Massachusetts License Registration (38692)

1976 Fellow of the Royal College (FRCP)1985 Pennsylvania (M.D.-033875-E)

Awards, Honors and Membership in Honorary Societies:

1966	Memorial Scholarship
1966	Sir Sam Steele Memorial Scholarship
1966	Actuarial Award
1966	University of Manitoba Scholastic Award
1966	Mathematic Association Prize
1973-1978	Medical Research Council Fellowship Award
1982	American Cancer Society Faculty Award
1985	American Society for Clinical Investigation
1985-1987	Focused Giving Award, Johnson & Johnson
1986	Lotte Strauss Award
1988-1993	Markey Trust Award-Receptor Biology
1988-1990	Trustee: Leukemia Society of America
1989	Councilor-American Society for Clinical Investigation
1989	John Eckman Professor of Medical Sciences
1991-1992	John Guggenheim Fellow
1991-1992	American Cancer Society Annual Scientific Award
1993-1996	Human Frontiers Award
1994	Bride's Magazine: Cancer Research Award
1994	Dean's Award
1995	Interurban Clinical Club
1996	Capcure Award
1996	American Association of Physicians (AAP)
1998	Stanley N. Cohen Biomedical Research Award
1998	Abramson Family Cancer Research Award
1999	Newton Abraham Professor-Oxford University (2002-2003)
2002	Ashmolean Society
2003	Master of Arts (Hon) Oxford University
2006	Allyn Taylor Prize in International Medicine

Major Committee Assignments (National and Regional):

1975	RH Institute Awards Committee, Canada
1978	British Society of Immunology
1980	American Association Immunologists
1982	American Association of Pathologists
1982-1985	Massachusetts Medical Association
1986	Chairman; Department of Physiology Chair Search
	Committee
1989	Chairman; Structural and Molecular Biology at the
	University of Pennsylvania-Review Committee
1989	Howard Hughes Advisory Committee-University of
	Pennsylvania
1995-1999	Howard Hughes Review Committee
1996-1999	NIH-NIDCD, Board of Scientific Counselors
2001-2005	Scientific Advisor- Roswell Park Memoral Cancer Institute
2001- present	Scientific Advisor- Breast Cancer program-MD Anderson
2000-2005	Riken Institute, Board of Scientific Advisors

Editorial Positions:

Journal of Immunology, ad hoc reviewer

Journal of Experimental Medicine ad hoc reviewer

Cell, ad hoc reviewer
Nature, ad hoc reviewer
Science, ad hoc reviewer

<u>Cellular Immunology</u>-Editorial Board- through 1998 <u>Immunologic Research</u>-Editorial Board- present

EMBO, ad hoc reviewer

DNA & Cell Biology-Editor in Chief, 1990-Present

Journal of Mammary Gland Biology and Neoplasia Editorial board-Experimental and Molecular Pathology- Senior Editor, 2000-Present

Pathobiology -Editor, 1990-1998

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determinants the expression of which is linked to heavy-chain allotype linkage group of genes. <u>Journal of Experimental Medicine</u>, 149:1084-1098, 1979.

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